



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,571	01/22/2002	Adriano Huber	217924US2PCT	6394
22850	7590	01/27/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SZYMANSKI, THOMAS M	
			ART UNIT	PAPER NUMBER
			2134	
DATE MAILED: 01/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,571

Applicant(s)

HUBER, ADRIANO

Examiner

Thomas Szymanski

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 9-20 have been examined

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Alperovich U.S. Patent No. 5,781,628.

3. Regarding Claims 9, 17, 19, and 20: Situation indicating parameters including designation of cryptographic algorithm and one of a length of cryptographic keys (Col 3 line 57- Col 4 line 24, 50-53) Alperovich has parameters that indicate a situation in relation to the position of a mobile devices geopolitical reference so as to set a security level within the device. The parameter denotes a cryptographic algorithm and cryptographic key by setting the encryption which uses these means to perform the function.

Setting a degree of security based on said parameters (Col 2 lines 38-41, 59-62, Col 3 line 57- Col 4 line 24, 50-53) The system sets the security based upon the ascertained region to the necessary degree as provided for by the system.

Received in a communication terminal from a secure server (Fig 1, Col 2 lines 17-21, Col 4 line 66 – Col 5 line 22) The signal is received in a communication terminal part 20

Art Unit: 2134

of fig 1 from the secured network containing means for storage as described which is composed of a computer system that is denoted by a server.

4. Regarding Claim 10: Situation indicating parameters contain service specific data sent via a service server (Col 3 line 57- Col 4 line 24, 50-53, Fig 1) The parameters indicate information that is specific to the server area that is occupied. The data is sent via a transmission cell composed of the necessary computerized means.

5. Regarding Claims 11 and 13: certain situation indicating parameters contain data about a permissible degree of security or permissible security parameters (Col 3 line 57- Col 4 line 24, 50-53) As stated the parameters denote the degree of security for a specified region.

6. Regarding Claims 12, 14, 15, and 16: Mobile radio device (Col 1 lines 17-55) As defined a radio is a device for transmitting and/or receiving radio signals. The system of Alperovich provides for mobile cellular telephones that utilize radio signals as a communications means.

At least on situation indicating parameter contains a country code (Col 3 line 57- Col 4 line 24, 50-53) The parameter is an indication of the geopolitical region as stated.

7. Regarding Claim 18: Chip-card that is removable (Col 1 lines 40-45) As stated the system provides for any Mobile station that subscribers may use to connect to the cellular network. The range of such available devices at the time of the applicant's invention contained many models of such devices that provide for removable means such as that described. An exemplary means of such a chip card is the connection of

Art Unit: 2134

such a device via a data-link with a laptop personal computing system that contains such a chip.

Response to Arguments

8. Applicant's arguments filed 11/28/2005 have been fully considered but they are not persuasive. The applicant has asserted that the prior art presented in the rejection fails to disclose setting in a situation-dependant manner a degree of security of a cryptographic function. The examiner respectfully disagrees with the applicant's assertion.

9. The situation-dependant manner that is referred to in the above rejection as related to Alperovich is whether the current location or cellular situation that the client terminal is located within is restricted to a certain form of encryption. Additionally, the present situation of said terminal is directly related within the terminal device to situation/cryptographic parameters that indicate correct keys and algorithms for the present mode of operation. Therefore, from the prescribed rejection one of ordinary skill in the art can clearly delineate that all contested points are anticipated by the reference as previously presented.

10. The applicant makes mention of different degrees of security for specific services within the device such as financial services or e-mail but such subject matter is not included within the claim language.

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

Art Unit: 2134

(i.e., different levels of encryption related to different services such as financial or database applications) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. With respect to the applicant's amendment to the specification and drawings the previous objections have been withdrawn.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of art

Art Unit: 2134

disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

16. Inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas M. Szymanski who can be reached at (571) 272-8574. The examiner's normal working schedule is between the hours 8:00am – 4:30pm (EST), Monday – Friday.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2109